

## Message Text

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ORIGIN PM-04

INFO OCT-01 EA-07 ISO-00 CIAE-00 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 ERDA-05

ACDA-05 OMB-01 NRC-05 /070 R

DRAFTED BY OPNAV 616:CAPT HURT:JMM

APPROVED BY PM/NPO:LVNOSENZO

OASD(ISA) - CDR GRUNAWALT

L/PM - MR. MICHEL

EA/ANP - MR MICHAUD

PM/NPO - CDR ZIMMER

----- 130591

R 251902Z SEP 75

FM SECSTATE WASHDC

TO AMEMBASSY CANBERRA

INFO AMCONSUL SYDNEY

AMCONSUL MELBOURNE

AMEMBASSY WELLINGTON

SECDEF

CNO

CINCPAC

CINPACFLT

C O N F I D E N T I A L STATE 228946

E.O. 11652:GDS

TAGS:MARR, MNUC, AS,

SUBJECT:NPW VISITS TO AUSTRALIA

REF: (A) CANBERRA 2625; (B) NT-75-1 OF MAY 1975

1. REFTEL A REQUESTED APPROVAL IN ADVANCE OF AN EXCHANGE  
OF NOTES CONCERNING LIABILITY FOR DAMAGES ARISING FROM A  
NUCLEAR INCIDENT INVOLVING THE REACTOR OF A NPW. WE DO  
NOT CONSIDER THAT AN EXCHANGE OF NOTES AS PROPOSED BY DFA  
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IS APPROPRIATE IN THIS SITUATION INASMUCH AS IT WOULD IN

ESSEWCE BE A US-GOA BILATERAL AGREEMENT CONCERNING U.S. NPW PORT ENTRY. ALTHOUGH WE HAVE BILATERAL AGREEMENTS COVERING FIXED FACILITIES, CONTINUING OPERATIONS AND STATUS OF FORCES MATTERS, SUBJECTING CASUAL PORT VISITS BY WARSHIPS, EITHER CONVENTIONAL OR NUCLEAR POWERED, TO SEPARATE BILATERAL AGREEMENTS WOULD BE CONTRARY TO MARITIME TRADITION AND COULD RESULT IN DEMANDS BY OTHER GOVERNMENTS FOR NPW AGREEMENTS THAT WOULD BE FAR MORE DIFFICULT TO ACCOMMODATE THAN THE ONE PROPOSED BY GOA. WE HAVE DEALT WITH HOST GOVERNMENT CONCERNS OVER NPW PORT ENTRY THROUGH USE OF UNILATERAL U.S. ASSURANCES AND TO DEPART FROM THIS PRACTICE WOULD LEAD TO THE DEVELOPMENT OF A PATCHWORK SYSTEM OF DIFFERING AGREEMENTS AND CONTROLS OVER

NPW VISITS THAT WOULD ARTIFICIALLY FRAGMENT U.S. NAVAL FORCES INTO NUCLEAR AND CONVENTIONAL COMPONENTS AND RESTRICT FLEET OPERATIONS.

2. IN LIEU OF DFA PROPOSAL TO EXCHANGE NOTES WE PREFER TO HAVE EMBASSY DEAL WITH THE AUSTRALIAN CONCERNS BY PRESENTING AN ORAL EXPLANATION OF THE APPLICATION OF PL-93-513 TO APPROPRIATE GOA OFFICIAL. THIS WOULD BE CONSISTENT WITH THE APPROACH WE HAVE HERETOFORE FOLLOWED REGARDING NPW PORT VISITS, AND HOPEFULLY WOULD BE SUFFICIENT TO SATISFY AUSTRALIAN QUESTIONS.

3. USING THE DFA PROPOSAL AS A BASIS, REQUEST YOU PROVIDE ORAL EXPLANATION TO GOA OFFICIAL AS FOLLOWS:

A. AS A RESULT OF RECENT LEGISLATIVE ACTION BY THE UNITED STATES CONGRESS (PUBLIC LAW 93-513 OF 6 DECEMBER 1974), THE UNITED STATES WILL SETTLE CLAIMS FOR BODILY INJURY, DEATH, OR DAMAGE TO OR LOSS OF REAL OR PERSONAL PROPERTY PROVEN TO HAVE RESULTED FROM A NUCLEAR INCIDENT INVOLVING THE NUCLEAR REACTOR OF A UNITED STATES NUCLEAR POWERED WARSHIP ON THE BASIS OF ABSOLUTE LIABILITY.

B. IN CONSIDERATION OF VARIOUS AGREEMENTS AND ARRANGEMENTS BETWEEN THE UNITED STATES AND OTHER SOVEREIGN NATIONS FOR THE PROCESSING AND SETTLEMENT OF CLAIMS  
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ARISING FROM UNITED STATES ARMED FORCES ACTIVITIES:

(1) UNLESS THE UNITED STATES DETERMINES THAT PAYMENT UP TO THE FULL VALUE OF THE CLAIM IS APPROPRIATE, A FOREIGN COUNTRY WILL BE REIMBURSED, IN ACCORDANCE WITH EXISTING AGREEMENTS BETWEEN THAT COUNTRY AND THE UNITED STATES, FOR CLAIMS UNDER PUBLIC LAW 93-513 WHICH ARE PROCESSED AND SETTLED EITHER ADMINISTRATIVELY OR

JUDICIALLY BY THE FOREIGN COUNTRY.

(2) ALTERNATIVELY, WHEN SUCH CLAIMS ARE HANDLED BY THE UNITED STATES THROUGH NAVY, DIPLOMATIC OR OTHER APPROPRIATE CHANNELS, THE UNITED STATES WILL PROCESS AND PAY MERITORIOUS CLAIMS DIRECTLY TO THE CLAIMANT, UP TO THE FULL VALUE OF THE CLAIM.

C. NO CLAIM WILL BE PAID IF IT DOES NOT RESULT FROM THE HAZARDOUS PROPERTIES OF NUCLEAR MATERIAL. CLAIMS ARISING FROM ACTIVITIES OF UNITED STATES WARSHIPS BUT NOT RESULTING FROM THE HAZARDOUS PROPERTIES OF A NUCLEAR REACTOR WILL BE TREATED OR ADMINISTERED IN THE MANNER OTHERWISE PRESCRIBED OR AVAILABLE FOR SUCH CLAIMS.

D. NO CLAIM WILL BE PAID IF THE INJURY, DEATH, DAMAGE, OR LOSS WAS INCURRED AS THE RESULT OF THE ACTS OF AN ARMED FORCE ENGAGED IN COMBAT, OR AS A RESULT OF CIVIL INSURRECTION. IN ADDITION, NO CLAIM OF ANY PERSON WILL BE PAID WHETHER INSTITUTED DIRECTLY BY THAT PERSON OR DERIVATIVELY BY HIS HEIRS OR ASSIGNS, IF SUCH PERSON INTENTIONALLY CAUSED OR INTENTIONALLY CONTRIBUTED TO THE CAUSE OF THE NUCLEAR INCIDENT UPON WHICH THE CLAIM IS BASED.

4. EMBASSY IS NOT REPEAT NOT AUTHORIZED TO CONVEY FOREGOING TO GOA IN WRITTEN FORM. FYI A DOD DIRECTIVE IS BEING PREPARED WHICH WILL PROVIDE A STATEMENT OF INTERPRETATION OF PL 93-513 ALONG LINES SET OUT IN PARA 3. WHEN THIS DIRECTIVE IS ISSUED, WE EXPECT TO BE ABLE TO PROVIDE COPIES OF IT UPON REQUEST TO ANY INTERESTED FOREIGN GOVERNMENT, THUS ASSURING UNIFORMITY OF USG STATEMENTS ON THE SUBJECT. IN INTERIM, WE BELIEVE IT IS CONFIDENTIAL

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IMPORTANT TO AVOID PROVIDING WRITTEN STATEMENTS WHICH MIGHT, BECAUSE OF EVEN SLIGHT WORDING VARIATION, GIVE RISE TO QUESTIONS AS TO US POLICY. END FYI

5. REQUEST EMBASSY REPORT GOA REACTION TO ORAL EXPLANATION. ALSO REQUEST LATEST ASSESSMENT OF STATUS OF GOA ACTION ON RESUMPTION OF NPW VISITS. WE ARE CONCERNED ABOUT SLOW MOVEMENT ON THIS ISSUE AND WOULD LIKE TO SEEK SOME COMMITMENT AS TO WHEN IT WILL BE RESOLVED. IN THIS CONNECTION WE ARE PREPARED TO PROPOSE A FUTURE NUCLEAR POWERED ATTACK SUBMARINE VISIT (NO SURFACE NPW IS SCHEDULED FOR WESTERN PACIFIC DEPLOYMENT UNTIL SPRING OF 1976) IF THAT WOULD BE AN EFFECTIVE CATALYST IN HELPING TO OBTAIN A FAVORABLE GOA DECISION.

6. WE ALSO HAVE POUCHED THREE COPIES OF REF B, THE LATEST NAVY REPORT ON ENVIRONMENTAL MONITORING AND DISPOSAL OF RADIOACTIVE WASTES FROM U.S. NAVAL NUCLEAR POWERED SHIPS AND THEIR SUPPORT FACILITIES. THIS REPORT COVERS 1974 AND IT SHOWS THE SAME OUTSTANDING RECORD MAINTAINED IN PREVIOUS YEARS BY OUR NPW. CONTENTS HAVE BEEN SLIGHTLY EXPANDED TO INCLUDE ADDITIONAL DETAILS ON MONITORING TECHNIQUES EMPLOYED, AND MAY PROVE USEFUL TO REINFORCE FACT THAT NPW OPERATIONS DO NOT ADVERSELY AFFECT THE ENVIRONMENT. EMBASSY IS AUTHORIZED TO PROVIDE A COPY TO GOA AS AN UPDATE TO REPORT COVERING 1973, WHICH WAS PROVIDED GOA EARLIER THIS YEAR. KISSINGER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NUCLEAR POWERED SHIPS, VISITS, NAVAL SHIPS, POLITICAL SITUATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 SEP 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE228946  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** CAPT HURT:JMM  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D750334-0423  
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**Image Path:**  
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**Legacy Key:** link1975/newtext/t19750917/aaaaaokv.tel  
**Line Count:** 181  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN PM  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 CANBERRA 2625  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 03 JUL 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <03 JUL 2003 by ShawDG>; APPROVED <12 NOV 2003 by ElyME>  
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Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
06 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PW VISITS TO AUSTRALIA  
**TAGS:** MARR, MNUC, AS, US  
**To:** CANBERRA  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006